

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Figure 2. This sheet replaces the original Sheet including Figure 2. In Figure 2, the previously omitted label for the arrow is now shown in the replacement sheet for Figure 2.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

REMARKS

Reconsideration of the application is respectfully requested.

Upon entry of the foregoing amendments, claims 1-20 are pending in the application, with claims 1 and 11 being the independent claims. New claims 11-20 have been added.

Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Drawing Objection

The Office Action on page 2, in section 3, objects to Figure 2 under 37 C.F.R. § 1.84(n). Specifically, the Office Action asserts that Figure 2 depicts a block diagram without a “readily identifiable” descriptor for the arrow of Figure 2. Figure 2 has been amended to overcome this objection. Accordingly, Applicant respectfully requests that this objection be withdrawn.

Claim Rejection Under 35 U.S.C. § 112, First Paragraph

The Office Action on page 3, in sections 4-5, rejects claims 1-10 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action asserts that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Regarding claim 1, the Office Action first asserts that the original disclosure does not show the support for the limitation “wherein said coordinate comparison comprises determining a distance between a coordinate of the first adjoining marking and a coordinate of the second adjoining marking, and determining whether the distance exceeds a previously set, variable limit.” (emphasis added in

Office Action). Second, the Office Action asserts that the original disclosure does not explain how the concept of a variable limit is computed/calculated. Applicant respectfully traverses this rejection.

First, the recitation of “wherein said coordinate comparison comprises determining a distance between a coordinate of the first adjoining marking and a coordinate of the second adjoining marking, and determining whether the distance exceeds a previously set, variable limit” is adequately described in the specification, for example, on page 8 at lines 13-14. According to the specification, the distance between the individual markings M1 and M2 must not exceed a previously set, variable limit value. See, e.g., Specification, page 8, lines 13-14. Accordingly, the coordinate comparison determines whether the distance exceeds a previously set, variable limit. If the previously set variable limit is exceeded, no final marking is added. Thus, the recitation of “determining whether the distance exceeds a previously set, variable limit” is adequately described in the original disclosure.

Second, according to M.P.E.P. § 2163(I)(B), “[w]hile there is no *in haec verba* requirement [(i.e., in the same words requirement)], newly added claim limitations must be supported in the specification through express, implicit, or inherent disclosure.” M.P.E.P. § 2163(I)(B), page 2100-167, first column, third paragraph. In view of the above-described test for enablement, Applicant respectfully submits that the amendments to the claims are supported through express, implicit, or inherent disclosure from any portion of the specification.

Thus, it is respectfully submitted that the limitations of claim 1 are adequately described in the specification. Claims 2-10 variously depend from claim 1, and are allowable as being dependent from an allowable claim. In view of the above, Applicant respectfully requests that this rejection be withdrawn.

Claim Rejection Under 35 U.S.C. § 103

The Office Action on pages 3-6, in sections 5-6, rejects claims 1-3 and 7-10 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,272,230 to Hiraoglu in view of U.S. Patent No. 5,838,758 to Krug and in further view of U.S. Patent No. 6,317,509 to Simanovsky et al. Based on the above amendments and the following remarks, Applicant respectfully traverses this three-way rejection.

The Office Action asserts that Hiraoglu teaches all of the features of claim 1 except (1) the recitation of determining a ratio of an overlapping area of two adjoining individual markings to the total area of at least one of the two adjoining markings; and (2) the recitation that the coordinate comparison comprises determining a distance between a coordinate of the first adjoining marking and a coordinate of the second adjoining marking, and determining whether the distance exceeds a previously set, variable limit. To overcome these deficiencies, the Office Action asserts that Krug teaches a method of processing X-ray images that determines a ratio of overlapping area of adjoining individual markings. Additionally, the Office Action asserts that Simanovsky teaches a method for detecting sheet explosives in computed tomography that comprises coordinate comparison that determines a distance between a coordinate of the first adjoining marking and a coordinate of the second adjoining marking, and determining whether the distance exceeds a previously set, variable limit. The Office Action then asserts that it would have been obvious to one of ordinary skill in the art to combine these references by modifying Hiraoglu according to Krug and Simanovsky.

As per claim 1, the Office Action fails to establish a *prima facie* case of obviousness because the three-way combination of Hiraoglu, Krug, and Simanovsky does not teach the features of claim 1. Claim 1 recites, in pertinent part, placing individual markings about the image of certain, previously determined articles; and performing a coordinate comparison to identify mutually facing sides of two adjoining individual markings, wherein the coordinate comparison comprises determining a distance between a coordinate of the first adjoining marking and a

coordinate of the second adjoining marking, and determining whether the distance exceeds a previously set, variable limit. The three-way combination of Hiraoglu, Krug, and Simanovsky does not teach these features.

Instead, Hiraoglu teaches a baggage scanning system and method to transilluminate objects to make them visible. See, Hiraoglu, col. 6, lines 25-32. The method of Hiraoglu includes marking a region of interest with a boundary box (col. 22, lines 60-64) and merging individual regions that are close to each other. See, Hiraoglu, col. 9, lines 45-62. To accomplish this merging, each voxel (quantum unit of volume) is analyzed by comparing its intensity to the adjacent voxel and by making use of a threshold value. If the difference exceeds a defined preset value, this voxel is defined as being of different interest in a weak object. A software program is then used to combine the characterized components, voxel-by-voxel. See, Hiraoglu, Figures 8A, 8B, and col 21, line 10 to col. 22, line 22. By combining characterized components voxel-by-voxel, Hiraoglu does not teach placing individual markings about the image of certain, previously determined articles. Further, as acknowledged by the Office Action, Hiraoglu does not teach either determining a ratio of an overlapping area of said two adjoining individual markings to the total area of at least one of said two adjoining individual markings, or that the coordinate comparison comprises determining a distance between a coordinate of the first adjoining marking and a coordinate of the second adjoining marking, and determining whether the distance exceeds a previously set, variable limit..

To overcome these deficiencies, the Office Action asserts that Krug teaches providing p-values that represent attenuation characteristics of various overlying materials. See, Krug, col. 4, lines 13-31. Krug, however, does not teach or suggest performing a coordinate comparison to identify mutually facing sides of two adjoining individual markings, wherein the coordinate comparison comprises determining a distance between a coordinate of the first adjoining marking and a coordinate of the second adjoining marking, and determining whether the distance exceeds a previously set, variable limit. Instead, Krug teaches an algorithm for determining the high-energetic and the low-energetic values in a picture to filter out substances of less interest. See, Krug, col. 3, line 65 to col. 4, line 11. In step 2060, the ratio of $H_{\text{Sobel}}/P_{\text{Sobel}}$ is stored. In step 2070, a threshold

value is then generated for the aforementioned ratio. Finally, in step 3010, the processed picture displayed with the surfaces of special interest being identified. See, Krug, col. 26, line 19 to col. 27, line 16. Such an algorithm does not teach or suggest performing a coordinate comparison to identify mutually facing sides of two adjoining individual markings, wherein the coordinate comparison comprises determining a distance between a coordinate of the first adjoining marking and a coordinate of the second adjoining marking, and determining whether the distance exceeds a previously set, variable limit.

The Office Action further asserts that Simanovsky teaches computing statistical distances for each plane and comparing the statistical distances to predetermined threshold. Simanovsky, col. 21, lines 59-61. Simanovsky also fails to teach or suggest does not teach performing a coordinate comparison to identify mutually facing sides of two adjoining individual markings, wherein the coordinate comparison comprises determining a distance between a coordinate of the first adjoining marking and a coordinate of the second adjoining marking, and determining whether the distance exceeds a previously set, variable limit because comparing statistical distances is **not** performing a coordinate comparison, as recited in claim 1.

Hence, because the cited references, alone or in combination, do not teach all of the features of amended claim 1, the Office Action fails to establish a *prima facie* case of obviousness.

Claims 2-3, and 7-10 depend from claim 1 and are allowable as being dependent from an allowable claim.

In view of the above, it is respectfully requested that this rejection be withdrawn.

The Office Action on page 5, in section 7, states that claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Because these claims are dependent from an allowable claim as discussed above, Applicant wishes to defer placing these claims in independent form at this time and respectfully requests that these claims be allowed.

New claims 11-20 recite similar subject matter as claims 1-10, respectively, but now recite “screen markings.” The recitation of “screen markings” is intended to clarify the recitation of “markings” in claims 1-10.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Dated:

July 7 2005

Respectfully submitted,

By 

Michael A. Sartori, Ph.D.

Registration No.: 41,289

Daniel G. Vivarelli, Jr.

Registration No.: 51,137

VENABLE LLP

P.O. Box 34385

Washington, DC 20043-9998

(202) 344-4000

(202) 344-8300 (Fax)

Attorney/Agent For Applicant

DC2/659522

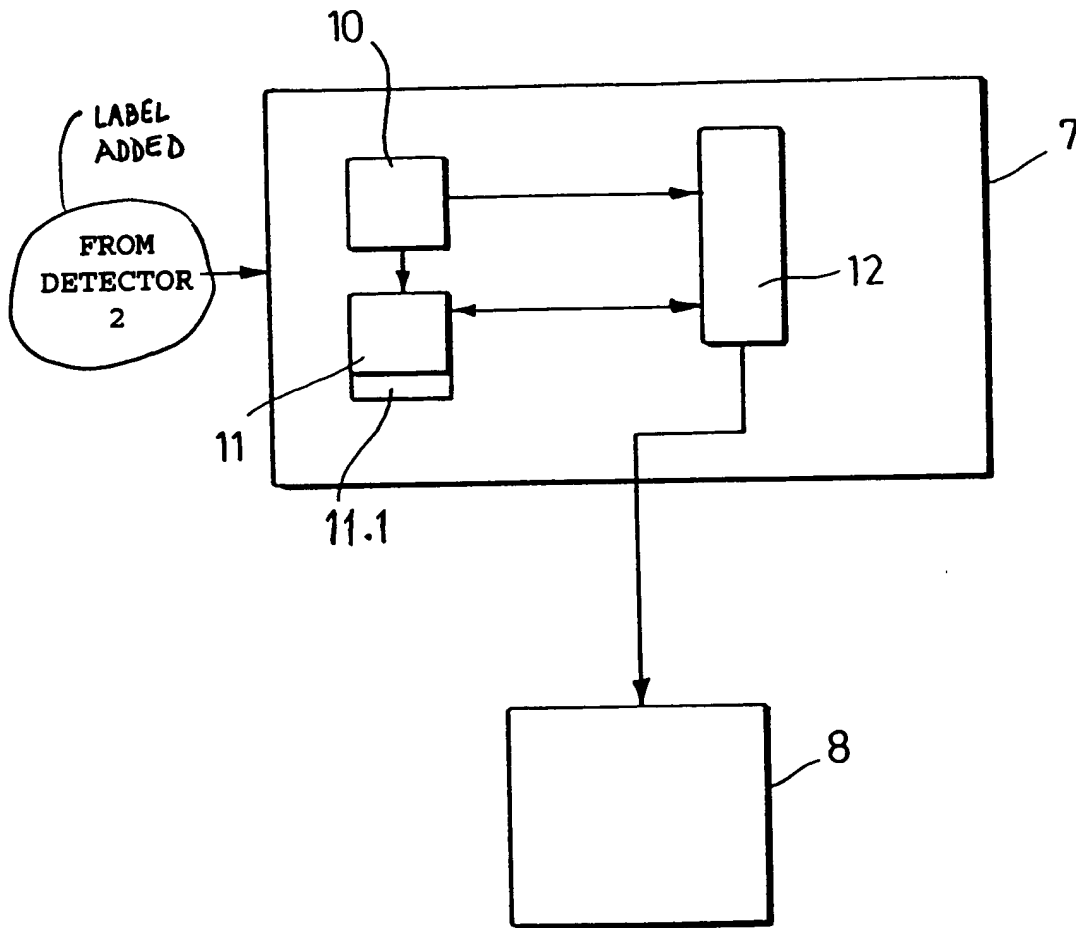


FIG.2